

PATENT
ATTORNEY DOCKET NO. DIVER1230-1
(09010/045001)

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mathur, et al.

Art Unit: 1652

Serial No.: 09/202,681

Examiner: R. Hutson

Filed: December 23, 1999

Title: THERMOSTABLE PHOSPHATASES

BOX AF

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL SHEET

Sir:

Transmitted herewith in further response to the Final Office Action mailed August 14, 2001 and the Advisory Action mailed January 16, 2002, for the above-identified application, please find:

1. Supplemental Response; including Exhibit A (10 pages);
2. Petition for Four (4) Months Extension of Time (2 pages); and
3. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>May 24, 2002</u> , in an envelope addressed to: <u>BOX AF, Commissioner for Patents, Washington, D.C. 20231</u> .	
<u>Cecilia Tobin</u> (Name of Person Mailing Paper)	
<u>Cecilia Tobin</u> (Signature)	<u>May 24, 2002</u> (Date)

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The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Large Entity Rate	Small Entity Rate	Calculations
Total Claims	12	20	0	x \$18	x \$09	\$.00
Independent Claims	4	4	0	x \$80	x \$40	\$.00
Multiple Claims				\$270	\$135	\$.00
Basic Filing Fee				\$710	\$355	\$.00
					TOTAL FEE	\$.00

The Commissioner is hereby authorized to charge the fee of \$665.00 for purchase of Four (4) Months of additional time. Please note that pursuant to a telephone conversation with the Examiner, in response to our previous supplemental response filed via facsimile on December 20, 2001, a fee of \$55.00 for One (1) Month Extension of Time fee was charged to

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our Deposit Account No. 50-1355. Therefore, the total fee due now is \$655.00 (\$720.00 for Four (4) Months Extension of Time fee minus \$55.00 equals \$665.00). However, the Commissioner may charge for any other fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Date: May 24, 2002

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

FISH & RICHARDSON P.C.

JUL 23 2002

Under the Paperwork Reduction Act of 1995, no paper or electronic submission is required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE)

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

OFFICIAL

PTO/SB/30 (5/2000)

Approved for use through xx/xx/xxxx. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

DO NOT FEE OR COMPLETED FORMS TO THIS ADDRESS. Send fees and completed forms to the following address: Commissioner for

Application Number	09/202,681
Filing Date	December 23, 1999
First Named Inventor	Mathur, et al.
Group Art Unit	1652
Examiner Name	Richard Hutson, Ph.D.
Attorney Docket Number	09010-045US1

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. §1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered)
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. §1.17(l) required)
- b. Other _____

3. Fee

The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

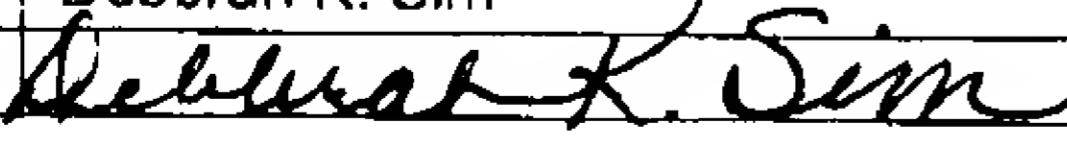
- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050
 - i. RCE fee required under 37 C.F.R. §1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§1.136 and 1.17) only if Patent Office did not charge the previous attorney's account when they filed a Supplemental Response on May 24, 2002.
 - iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Mi K. Kim	Registration No. (Attorney/Agent)	44,830
Signature		Date	July 22, 2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to **Commissioner for Patents, Box RCE, Washington, DC 20231** or facsimile transmitted to the U.S. Patent and Trademark Office on: July 22, 2002

Name (Print/Type)	Debrah K. Sim	Date	July 22, 2002
Signature			

Our Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Attorney's Docket No.: 09010-045US1

OFFICIAL COMMUNICATION**FACSIMILE****FOR THE PERSONAL ATTENTION OF:
EXAMINER RICHARD D. HUTSON, PH.D.****GROUP 1652 FAX NO: (703) 305-3014**

Number of pages including this page 28

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Serial No. : 09/202,681
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Art Unit : 1652
Examiner : Richard G. Hutson, Ph.D.

Title : THERMOSTABLE PHOSPHATASES

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

Attached to this facsimile communication cover sheet is a Response and Amendment Accompanying a Request for Continued Examination, a Petition for Extension of Time Authorizing Payment of the Extension Fees Not Yet Paid, a Copy of Transmittal Sheet Requesting Extension of Time for the Fourth Month, a Copy of Selection of Written Description Guidelines, and a Request for Continued Examination, faxed this 22nd day of July, 2002, to Group 1652, of the United States Patent and Trademark Office.

Respectfully submitted,


Mi K. Kim
Reg. No. 44,830

Date: July 22, 2002

Fish & Richardson P.C.
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